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MEMORANDUM

DATE: November 13, 2003

TO: Council Member Gary Schiff, Chair, Zoning & Planning Committee and
Members of the Committee

FROM: Hilary Watson, Senior City Planner

SUBJECT: Appeal of the decision of the City Planning Commission by George
Carlson

George Carlson, a neighbor who lives at 110 Bank Street Southeast, Apartment 905, has filed an appeal of the decision of the City Planning Commission. The appeal is associated with the decision of the City Planning Commission to approve the conditional use permit to allow a 283-unit condominium development, the variance to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow a 39-story residential building with windows facing the interior lot line and the major site plan review. The minutes from the August 18, 2003 City Planning Commission meeting are attached.

The appellant has stated that the approval of the conditional use permit is being appealed for several reasons. First, the project's proximity to the traffic to and from the Third Avenue Bridge will be detrimental to the public safety and general welfare. Second, the project adds to isolation between downtown and the Mississippi River, harms the image and form of the downtown skyline, impairs the city's current efforts to bring the river and downtown together, does not provide transition to the edge of downtown and has a scale completely dissonant from surrounding areas of distinctive physical and historical character. The appellant's complete statement of the action being appealed and reasons for the appeal is attached.

The appellant has stated that the approval of the variance to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow a 39-story residential building with windows facing the interior lot line is being appealed because the property can be put to a reasonable use under the regulations of the zoning code. The appellant's complete statement of the action being appealed and reasons for the appeal is attached.

The appellant has stated that the approval of the major site plan review is being appealed for two reasons. First, the project is not in conformance with the requirements of the zoning code and second the project is ill advised and is not in conformance with Minneapolis Downtown 2010

and other public policies and goals. The appellant's complete statement of the action being appealed and reasons for the appeal is attached.

At the August 18, 2003 City Planning Commission meeting, six of the Planning Commission members were present. All six Planning Commissioners voted to approve the conditional use permit to allow a 283-unit condominium development, the variance to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow a 39-story residential building with windows facing the interior lot line and the major site plan review.

Minneapolis City Planning Department Report

2 Conditional Use Permits, 2 Variances and Site Plan Review

BZZ-1292

Date: August 18, 2003

Applicant: APEX Asset Management Corporation

Address of Property: 220 South Second Street and 225 South First Street

Project Name: Bridge Place

Date Application Deemed Complete: July 18, 2003

End of 60-Day Decision Period: September 16, 2003

End of 120-Day Decision Period: Not applicable

Applicant has Waived 60-Day Requirement: No

Contact Person and Phone: Tom Dillon, (952) 545-4220

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Ward: 5 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

Existing Zoning: B4S-1

Proposed Use: 283-unit, 39-story condominium development

Concurrent Review:

Conditional Use Permit: to allow a 283-unit multi-family residential condominium building.

Conditional Use Permit: to allow a 1-stall surface parking area on the site (this was noticed as 3).

Variance: to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow a 39-story residential building with windows facing the interior lot line.

Variance: to reduce the minimum required width of the drive aisles in the parking garage from 22 feet to 20 feet.

Major Site Plan Review

Previous Actions: None that are relevant to this development

Background: The proposed development is located in downtown Minneapolis. The site is located on the southeast half of the block located along 3rd Avenue South between 1st Street South and 2nd Street South. The existing vacant HUD office building and a

surface parking lot currently occupy the site. Located on the same block as the proposed development is the Rivergate Apartments.

The development involves the construction of a 283-unit, 39-story condominium development with six levels of enclosed parking. Of the 283 dwelling units, 276 will be located in the condominium building and 7 will be located in a two-story townhome building located on the roof of the fifth floor. The townhome building is connected to the condominium building via an internal hallway. The condominium building will be constructed on the surface parking area portion of the site and the vacant HUD building will be converted to a parking facility. Amenities within the building include a clubhouse, an outdoor rooftop deck, a pool and guest suites.

There are no height limits in the B4S-1 zoning district. Heights of buildings are determined by the floor area ratio (FAR). The base FAR in the B4S-1 zoning district is 8. Section 549.110 allows a twenty percent density bonus when all of the required parking is provided within the building, entirely below grade, or in a parking garage of at least two levels. With the density bonus for enclosed parking the base FAR is 9.6 ($8 \times .2 = 1.6 + 8 = 9.6$). The lot size is 48,906 square feet. The gross floor area of the building is 449,640 square feet. To calculate the FAR of the development you divide the gross floor area of the building by the lot size. The resulting FAR is 9.19.

The site is zoned B4S-1. Residential buildings of five or more units require a conditional use permit. In addition, a conditional use permit for a one-stall surface parking area, a setback variance, a drive-aisle variance and major site plan review are needed.

Neighborhood Review: The applicant met with the Downtown Minneapolis Neighborhood Association's Land Use Committee on July 1, 2003. At that meeting the applicant presented the development concept to the committee. Staff has not received a response from the neighborhood.

CONDITIONAL USE PERMIT for a 283-unit multi-family residential condominium building

Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use – Planned Unit Development:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The proposed development involves the conversion of an existing office building to an enclosed parking facility and the construction of a 283-unit, 39-story condominium development with six levels of enclosed parking. All of the units within the building will be for-sale. This use should not be detrimental to the public health, safety and general welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Use

Utilizing the site for a 283-unit condominium development would provide additional opportunities for housing within the city. The addition of more dwellings downtown will help promote a 24-hour downtown. There will be an on-site management service that will maintain the building and its grounds. Adjacent uses include high-rise apartment buildings, office buildings, a hotel and surface parking lots. The condominium development should not negatively impact the adjacent uses.

Character

The proposed height of the development is 39 stories. The height of the immediately adjacent buildings range between 2 stories and 31 stories. Taller buildings are located further to the south in the central business district. Staff believes that this building will contribute to the skyline of downtown Minneapolis. The applicant proposes the use of building materials and colors that are compatible with the surrounding buildings.

Parking and Access

The parking requirement for this development is 283 parking stalls. The applicant is proposing to construct a 417-stall enclosed parking facility which will be accessed off of both 3rd Avenue South and 2nd Street South. The entrance to the parking facility located off of 3rd Avenue South accesses parking levels one through four and the entrance to the parking facility located off of 2nd Street South accesses the two basement parking levels.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The parking requirement for this development is 283 parking stalls. The applicant is proposing to construct a 417-stall enclosed parking facility which will be accessed off of both 3rd Avenue South and 2nd Street South. The entrance to the parking facility located off of 3rd Avenue South accesses parking levels one through four and the entrance to the parking facility located off of 2nd Street South accesses the two basement parking levels.

5. Is consistent with the applicable policies of the comprehensive plan.

This site is located in the Riverfront Residential District. According to the Principles and Policies outlined in *Minneapolis Downtown 2010*, the following apply to this proposal:

- Expand housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high-income owner-occupied units.

- Capitalize on sites that are well suited for housing, especially along the riverfront, by encouraging medium to high-density housing developments.
- Locate medium to high-density housing in areas designated as the Riverfront Residential District located adjacent to and near the West River Parkway. This district should provide locations for housing that can take advantage of the open space and recreational amenities of the riverfront. The primary use of this district should be housing. Other retail, office, cultural and recreational uses should be encouraged, especially those that revitalize historic structures, but should be compatible with housing.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical or historic character.

This proposal is consistent with the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the conditional use permits, variances, site plan review and vacation.

With the approval of the two conditional use permits, setback variance, drive aisle width variance and major site plan review the project will be in conformance with the requirements of the zoning code.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission **approve** the conditional use permit to allow for a 283-unit condominium development located at 220 South Second Street and 225 South First Street subject to the following condition:

1. There shall be no more than 283 dwelling units within the development.

CONDITIONAL USE PERMIT for a one-stall surface parking area

Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use – Planned Unit Development:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. **Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The proposed development would add one surface parking stall to the site located between the building and the property line along 3rd Avenue South. The surface parking area is located

approximately 5 feet from the property line. Staff believes that locating one surface parking stall adjacent to the property line would be detrimental to the surrounding area.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Use

Utilizing the area between the building and the property line for one surface parking stall would detract from the pedestrian atmosphere along 3rd Avenue South. In addition, of the three corners at the intersection of 3rd Avenue South and 1st Street South the United States Postal Service building and the Mill Place office building are both located at the corner with their accessory parking either to the rear or side of the building or fully enclosed.

Character

The zoning code calls for parking areas to be located to the rear or side of a development or to be fully enclosed. The zoning code also asks that all new buildings be located within eight feet of the front property line. In this situation the applicant is locating the building approximately 40 feet back from the front property line. In addition, there is an 18-foot wide circular driveway located between the property line and the building.

Parking and Access

The first 30 parking spaces within the enclosed parking facility have been designated for visitors and have an entrance located within a short distance of the parking area that leads directly to the lobby.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The location of the one surface parking stall is located in such a place that if a driver was backing out of the site they would interfere with a vehicle dropping someone off at the front entrance to the building or entering the enclosed parking facility.

5. Is consistent with the applicable policies of the comprehensive plan.

This site is located in the Riverfront Residential District. According to the Principles and Policies outlined in *Minneapolis Downtown 2010*, the following apply to this proposal:

- Improve the appearance of downtown parking lots by providing landscaping and other visual enhancements.

Although this proposal is consistent with this comprehensive plan policy the proposal is not consistent with the regulations of the Site Plan Review chapter of the Minneapolis Zoning Code.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the conditional use permits, variances, site plan review and vacation.

With the approval of the two conditional use permits, setback variance, drive aisle width variance and major site plan review the project will be in conformance with the requirements of the zoning code.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission deny the conditional use permit to allow for a one-stall surface parking area located at 220 South Second Street and 225 South First Street.

VARIANCE to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow a 39-story residential building with windows facing the interior lot line

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Interior side yard setback: The applicant is seeking a variance to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow a 39-story residential building with windows facing the interior lot line. The applicant has indicated that the lot is 132 feet wide and that the proposed building is 107 feet wide. Any building over 30 stories would require a setback of at least half of the width of the lot. The applicant has said that in order to preserve views of downtown from surrounding locations that the building footprint was made smaller and taller therefore requiring a larger interior side yard setback. If the applicant were constructing a non-residential building on the site there would not be an interior side yard setback requirement.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Interior side yard setback: The width of the lot and the desire to construct a building with as narrow of a footprint as possible in order to preserve views of prominent buildings in downtown are unique physical characteristics of this site.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Interior side yard setback: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. The intent of the ordinance is to provide adequate light and air, sightlines and privacy for those living within the proposed development and those immediately adjacent to the development. The residential portion of the building does not start until the fifth floor. At this point the building is taller than the adjacent parking facility and far enough away from other adjacent buildings that the residents of the proposed condominium development will not be looking directly into the windows of anyone nearby.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Interior side yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed development be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow a 39-story residential building with windows facing the interior lot line located at 220 South Second Street and 225 South First Street.

VARIANCE to reduce the minimum required width of the drive aisles in the parking garage from 22 feet to 20 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Drive aisle width: The applicant is seeking a variance to reduce the minimum required width of the drive aisles in the parking garage from 22 feet to 20 feet. The applicant has indicated that the drive aisles that are less than the required 22 feet in width are located in the existing HUD portion of the enclosed parking facility. The placement of the existing structural columns only allows for 20-foot drive aisle between the two rows of parking. Please note that it is at only certain points in the parking facility where the width of the drive aisles go below 22 feet (please see the floor plans).

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue

hardship if reasonable use for the property exists under the terms of the ordinance.

Drive aisle width: The fact that the HUD building is being converted to a parking facility and that the placement of the structural columns is an existing condition are unique physical characteristics of this site.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Drive aisle width: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. It is at only certain points within the parking facility where the width of the drive aisle is less than 22 feet.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Drive aisle width: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed drive aisle width be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the minimum required width of the drive aisles in the parking garage from 22 feet to 20 feet located at 220 South Second Street and 225 South First Street.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If

located on corner lot, the building wall abutting each street shall be subject to this requirement.

- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

PLANNING DEPARTMENT RESPONSE

- **Portions of the development reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access while other portions of the development do not. The existing HUD building is set close to the front property line but the new building is setback approximately 40 feet from 3rd Avenue South.**
- **The principal entrance into the building is oriented towards 3rd Avenue South. This entrance is accessible to the residents and guests. Windows are being added to the façade of the HUD building. These windows along with the windows in the rest of the enclosed parking facility will be frosted. Staff is recommending that except for the frosted glass windows in the parking ramp that the remaining windows and doors be clear, non-tinted, non-reflective glass.**
- **This development is located in the B4S-1 zoning district. There is no required front yard setback in the B4S-1 zoning district as all buildings downtown are encouraged to locate within eight feet of the property line. In this situation the HUD portion of the building is located at the property line but the new building is setback approximately 40 feet from 3rd Avenue South.**
- **The applicant is proposing to have landscaping near the entrance of the building. The landscaping is located where it emphasizes the corner of the property. The applicant is also proposing to plant trees in the boulevard along 2nd Street South. The applicant was proposing to have trees in both the 1st Street South boulevard and the 3rd Avenue South boulevard but the sidewalks are not wide enough to accommodate them and pedestrian circulation.**
- **The principal entrance into the building is oriented towards 3rd Avenue South. This entrance is accessible to the residents and guests.**
- **The parking requirement for this development is 282 parking stalls. The applicant is proposing to construct a 417-stall enclosed parking facility which will be accessed off of both 3rd Avenue South and 2nd Street South. The entrance to the parking facility located off of 3rd Avenue South accesses parking levels one through four and the entrance to the parking facility located off of 2nd Street South accesses the two basement parking levels.**

- The exterior materials being used on the building include brick and precast concrete.
- The walls of the building have been broken up into smaller sections through the use of different exterior materials and colors, different windows, architectural detailing over the doorways and windows and balconies with decorative railings.
- The sides of the building are compatible with the front of the building. However, staff does not believe that the back of the building is compatible with the sides and front of the building. In order to make the back of the building more compatible with the other sides of the building staff is recommending that there be more bays of windows added to the enclosed parking facility façade and that there be more windows added to the townhomes.
- Plain face block will not be visible from the street.
- The percentage of windows required for the first floor of the three sides of the building that face a public street is 20 percent. According to the submitted drawings, the amount of windows provided on the 1st Street South side of the building, 3rd Avenue South side of the building and the 2nd Street South side of the building all exceed the twenty percent window requirement.
- The enclosed parking facility has been designed to ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view.

ACCESS AND CIRCULATION

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

PLANNING DEPARTMENT RESPONSE

- There is no clearly defined walkway leading from the principal entrance of the building to 3rd Avenue South. In order to define this path staff is recommending that the circular driveway be constructed of a decorative paving material similar to the decorative paving material under the covered arcade that helps delineate the walkway from the principal entrance to 3rd Avenue South.
- There are no bus stops being proposed as part of this development.
- The location of the one surface parking stall is located in such a place that if a driver was backing out of the site they would interfere with a vehicle dropping someone off at the front entrance to the building or entering the enclosed parking facility. Staff is recommending that there be no surface parking area between the front property line and the building.
- None of the parking within the enclosed parking facility nor the loading facility will be visible from the adjacent residential developments
- The Public Works Transportation Department has reviewed the development plan in regard to vehicular access and circulation. Based on their comments the applicant has moved the circular driveway at least 20 feet away from the corner of 3rd Avenue South and 1st Street South, has inerted a bull-nose between the two driveways along 2nd Street South and removed the landscaping from the right-of-way along 3rd Avenue South. Again, however, the one surface parking stall is located in such a place that if a driver was backing out of the site they would interfere with a vehicle dropping

someone off at the front entrance to the building or entering the enclosed parking facility.

- **According to the applicant snow will be removed from the site.**
- **According to the applicant, once the project is complete approximately 27 percent of the site will be landscaped (please see the attached landscaping plan).**

LANDSCAPING AND SCREENING

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

PLANNING DEPARTMENT RESPONSE

- **According to the applicant, once the project is complete approximately 27 percent of the site will be landscaped (please see the attached landscaping plan). The city's landscaping consultant has not reviewed the landscaping plan.**
- **Except for the railings around the individual balconies and patios the applicant is not proposing to install any fences on the site.**

ADDITIONAL STANDARDS

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260.
- Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

PLANNING DEPARTMENT RESPONSE

- **A lighting plan showing footcandles was not submitted as part of this development.**
- **None of the parking within the enclosed parking facility nor the loading facility will be visible from the adjacent residential developments.**
- **The development site is located in the B4S-1 zoning district. In this zoning district there are no height limitations because this is the area in the city where it is expected that tall buildings will be built. The applicant has made the footprint of the building as small as possible in order to minimize the blocking of views of prominent buildings from various vantage points.**
- **Although this development will most likely cast shadows on surrounding properties, staff believes that the affects will be minimal.**
- **Although this development will most likely contribute to the wind tunnel effect downtown, staff believes that the affects will be minimal.**
- **The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist has indicated that the area between this development and the adjacent parking facility for the Rivergate Apartments should be closed off to prevent people from congregating in this space.**
- **This site is located in the St. Anthony Falls Historic District. The development was reviewed by the Minneapolis Heritage Preservation Commission on Tuesday, August 12, 2003. As of the writing of this report staff did not know the outcome of that meeting.**

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

With the approval of the two conditional use permits, setback variance, drive aisle width variance and major site plan review the project will be in conformance with the requirements of the zoning code.

MINNEAPOLIS DOWNTOWN 2010

This site is located in the Riverfront Residential District. According to the Principles and Policies outlined in *Minneapolis Downtown 2010*, the following apply to this proposal:

- Expand housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high-income owner-occupied units.
- Capitalize on sites that are well suited for housing, especially along the riverfront, by encouraging medium to high-density housing development.
- Locate medium to high-density housing in areas designated as a Riverfront Residential District located adjacent to and near the West River Parkway. This district should provide locations for housing that can take advantage of the open space and recreational amenities of the riverfront. The primary use of this district should be housing. Other retail, office, cultural and recreational uses should be encouraged, especially those that revitalize historic structures, but should be compatible with housing.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical or historic character.

This proposal is consistent with the comprehensive plan.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

Staff is not aware of any small area plans adopted by the Minneapolis City Council for this particular location.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

PLANNING DEPARTMENT RESPONSE

- **The Planning Department believes that alternative compliance should be granted to allow the building to be located further than eight feet from the 3rd Avenue South property line. If the applicant were to comply with the setback requirement the building would create an incredibly long wall along the street which would detract from the pedestrian atmosphere along 3rd Avenue South.**

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a 282-condominium

development located at 220 South Second Street and 225 South First Street subject to the following conditions:

1. Except for the frosted glass windows in the parking ramp the remaining windows and doors shall be clear, non-tinted, non-reflective glass.
2. There shall be more bays of windows added to the west façade of the enclosed parking facility and there shall be more windows added to the west façade of the townhomes.
3. The circular driveway shall be constructed of a decorative paving material similar to the decorative paving material under the covered arcade that helps delineate the walkway from the principal entrance to 3rd Avenue South.
4. There shall be no surface parking area between the front property line and the building.
5. The Planning Department shall approve the final site, elevation and landscaping plans.
6. The Planning Department shall approve the final lighting plan.
7. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
8. All site improvements shall be completed by May 15, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
9. The applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

(DRAFT)
Excerpt from the
Monday, August 18, 2003
CITY PLANNING COMMISSION
MINUTES
317 City Hall
Minneapolis, MN 55415
4:30 p.m.

13. Bridge Place - APEX Asset Management Corporation (BZZ-1292, Ward 5)
220 South Second Street and 225 South First Street (Hilary Watson) *This item was continued from the August 4, 2003 meeting.*

A. Conditional Use Permit

APEX Asset Management Corporation has applied for a conditional use permit to allow a 283-unit multi-family residential condominium building at 220 South Second Street and 225 South First Street.

Motion: The City Planning Commission **approved** the conditional use permit to allow for a 283-unit condominium development located at 220 South Second Street and 225 South First Street subject to the following condition:

1. There shall be no more than 283 dwelling units within the development.

B. Conditional Use Permit

The application for a conditional use permit to allow a one-stall surface parking area on the site at 220 South Second Street and 225 South First Street *was withdrawn* by the applicant.

C. Variance

APEX Asset Management Corporation has applied for a variance to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow a 39-story residential building with windows facing the interior lot line at 220 South Second Street and 225 South First Street.

Motion: The City Planning Commission adopted the findings above and **approved** the variance to reduce the northwest interior side yard setback from the required 81 feet to 0 feet to allow for up to a 39-story residential building with windows facing the interior lot line located at 220 South Second Street and 225 South First Street.

D. Variance

APEX Asset Management Corporation has applied for a variance to reduce the minimum required width of the drive aisles in the parking garage from 22 feet to 20 feet at 220 South Second Street and 225 South First Street.

Motion: The City Planning Commission adopted the findings above and **approved** the variance to reduce the minimum required width of the drive aisles in the parking garage from 22 feet to 20 feet located at 220 South Second Street and 225 South First Street.

E. Major Site Plan Review

Apex Management has applied for a site plan review to allow a 283 unit multi-family residential condo building at 220 South Second Street and 225 South First Street.

Motion: The City Planning Commission adopted the above findings and **approved** the site plan review application for a 283-condominium development located at 220 South Second Street and 225 South First Street subject to the following conditions:

1. Except for the frosted glass windows in the parking ramp the remaining windows and doors shall be clear, non-tinted, non-reflective glass.
2. There shall be more bays of windows added to the west façade of the enclosed parking facility and there shall be more windows added to the west façade of the townhomes.
3. The circular driveway shall be constructed of a decorative paving material similar to the decorative paving material under the covered arcade that helps delineate the walkway from the principal entrance to 3rd Avenue South.
4. The Planning Department shall approve the final site, elevation and landscaping plans (with consideration to landscaping options such as hanging planters, window boxes, and rolling planters).
5. The Planning Department shall approve the final lighting plan.
6. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
7. All site improvements shall be completed by June 30, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
8. The applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.
9. There shall be active uses at grade on 1st Street South and 3rd Avenue South.
10. The developer shall go back to HPC to seek approval of the façade.

Staff Hilary Watson: The applicant is APEX Asset Management Corporation for the project Bridge Place which is located at 220 South 2nd Street and 225 South First Street. The site is located in the B4S-1 zoning district. The applicant proposes to construct a 283 unit, 39-story condominium building on this site. There are five applications for the project. The first is a conditional use permit to allow multi-family development. The second application was a conditional use permit to allow a one-stall parking space, which was actually noticed as a three-stall surface parking area on the site plan. The applicant has withdrawn this application so when we get to site plan review, I will also be asking you to delete one of the conditions of approval as it related to that, the end result will be no surface parking between the building and any of the property lines on the site. The next application is a variance to reduce the northwest

interior side yard setback from the required 81 feet to zero feet to allow a 39-story residential building with windows facing the interior lot line, a variance to reduce the minimum required width of the drive aisles in the parking garage from 22 feet to 20 feet, and also a major site plan review. As you can see on the map, this site is located in downtown Minneapolis on the southeast half of the block located along 3rd Avenue between 1st Street and 2nd Street South. The existing vacant HUD office building occupies half of the block and the surface parking lot occupies the other half of the block. Located on the same block is the proposed development of the Rivergate Apartments. As you may recall, this is the parking ramp that Rivergate recently constructed. Again this development involves the construction of 283 units. 276 will be located in the condominium building and 7 will be located in a 2-story townhome building located on the roof of the 5th floor. The townhome building is connected to the condominium building via an internal hallway that runs on the 5th floor but not on the 6th floor. The condominium building will be constructed on the surface parking area of the site and the vacant HUD building will be converted to the parking facility. Amenities within the building include a clubhouse, outdoor-rooftop deck, a pool, and also guest suites. There are no height limits in the B4S-1 zoning district. Heights of buildings in downtown are determined by the floor area ratio. The base floor area ratio, or FAR in the B4S-1 zoning district is 8. Section 549.110 which is the section of the downtown chapter of the zoning code allows a 20% density bonus when all of the required parking is provided within the building entirely below grade or in a parking garage of at least two levels. With the density bonus for enclosed parking, the base FAR is 9.6. You take 8 times 20 percent, which is 1.6 plus 8 which gets you to 9.6. To calculate the FAR at the development, you divide the gross floor area of the building by the lot size, in this case, the resulting FAR is 9.19. The floor area ratio of 9.19 is allowed as of right for this development. The applicant met with the Downtown Minneapolis Neighborhood Association's Land Use Committee on July 1st, 2003. In the packets before you, you will see a memo from DMNA, they fully support this development.

One other piece of information that was missing from the staff report was the result of the Heritage Preservation Commission's meeting. At that meeting, the Heritage Preservation Commission did deny the applications. The applicant is going to be appealing the decision to the City Council. I will note that staff for the HPC from the Planning Department did recommend approval of the development.

The first application is a conditional use permit for the use. The residential use of the site. Staff believes that the residential use should not be detrimental to the public health, safety and general welfare of the City. This development will provide additional opportunities for housing within the City. It will also help promote and foster the 24-hour downtown environment.

Things to look for within the CUP is the character of the area. The height of the immediate adjacent buildings ranges between 2-stories and 31-stories. The Rivergate Apartments, directly adjacent to it, is 16-stories tall. On the corner of Marquette and 1st Street is the Churchill Apartments. That building is 31-stories tall. Taller buildings are also located to the south in the Central Business District. Staff believes that this building will contribute to the skyline of downtown Minneapolis.

The parking requirement for this development is 283 stalls. The applicant is proposing to construct a 417-stall enclosed parking facility with access points both off of 3rd Avenue and 2nd Street South. The entrance to the parking facility off of 3rd Avenue accesses the levels of parking one through four and this entrance to the parking accesses the two below-grade parking levels. In the map, the areas that are highlighted in yellow are designated residential neighborhoods in downtown. The area highlighted in yellow along the river is designated the Riverfront Residential District. Policies from the Downtown 2010 Plan suggest expansion of housing opportunities in downtown for all income levels, capitalize on the sites that are well suited for housing, especially along the riverfront by encouraging medium to high density housing developments and locate medium to high density housing in areas designated as the Riverfront located adjacent and near the West River Parkway. Based on those policies of the Downtown 2010 Plan, we believe this project is consistent with the Comprehensive Plan, and we do recommend approval of the conditional use permit.

The next application is the variance to reduce the northwest interior sideyard setback from the required 81 feet to zero feet to allow a 39-story building with windows facing the interior lot line. This particular site is 132 feet wide. Any building over 30-stories would require a setback of at least half of the width of the lot. If this was an office development, there would be no windows required along this property line. That is what this variance is for, to allow windows along this property line because this development is residential. The formula is 5 feet plus 2X, where 'X' is every story over the first floor. That is how we arrive at 81feet. Just to give you a little perspective, anything over 30 stories would require over half of the width of that lot for a setback. The applicant has said that in order to preserve views of downtown from surrounding locations, the building's footprint was made smaller and taller, therefore requiring a larger interior sideyard setback. If this were a non-residential building, there would be no setback requirement on this site. The intent of the ordinance is to provide adequate light and air. Site lines and privacy for those living within the proposed development and those immediately adjacent to the development. The residential portion of the building does not start until the 5th floor. At this point, the building is taller than the adjacent parking facility which abuts this portion of the site. There is a setback between the townhomes and the Rivergate Apartments. We are recommending approval of the setback variance. I will point out for the Commission that the one other time that we've had this particular variance was the Ivy Tower development where they had asked for a setback from 37 feet to 5 feet for a hotel use for an existing building and two new buildings. That variance for that development was approved. The next variance is to reduce the minimum required width of the drive aisles in the parking garage from 22 feet to 20 feet to allow for 2-way traffic. The reason the drive aisles cannot be 22 feet is because of the structural columns that are existing within the building and the applicant is not proposing to tear this building down, therefore is seeking a variance. We find that is a unique circumstance and we recommend approval.

For the site plan review, in the principal entrance, oriented towards 3rd Avenue, windows are being added to the façade of the HUD building. The windows along the first floor and the other floors of the parking facility are proposed to be frosted. Staff is recommending that except for the frosted glass windows in the parking ramp that all of the remaining windows be clear, non-reflective, non-tinted. This is also a recommendation from HPC staff. There is no required front yard setback in the downtown zoning districts. The exterior materials that the applicants are proposing to use are brick and pre-cast concrete panels. Staff believes that the sides of the building are compatible with the front, however, staff does not believe the back of the building is compatible with the sides and front of the building. Staff is recommending that there be more bays of windows added to the enclosed parking facility façade. Staff believes there is no clearly defined walkway that leads from the front entrance to 3rd Avenue, so in order to help define a path, staff is recommending the circular driveway be of a decorative material that matches that of the covered arcade. Because we're trying to have downtown sidewalks of a 10 foot minimum, the trees were removed from edge of curb to the property line.

Commissioner Schiff: Just to understand, City codes would not allow any trees to be planted on 3rd Avenue South or 1st Street South?

Staff Hilary Watson: Correct. Additionally, you need 18 inches for a car door to swing open.

Commissioner Young: Maybe you could look at those planters along 28th and Nicollet.

Commission President Martin: A building of this height, in this location is allowed as of right?

Staff Hilary Watson: Correct. As of right. Increased height is not something that they have asked for. To add to that, in the downtown districts, we have FAR premiums, where you can ask to increase the size of the building. The applicant is not asking for any premiums.

Public hearing:

Peter Gillette (192 Bank St. SE) spoke against.

Tom Hill (Development team of Apex and Opus Devel.) Spoke for. Commissioner

MacKenzie asked if any skyline studies had been done. Tom Hill replied that they had one that was hand-drawn, but had not commissioned a skyline study.

Dave Poehl (Elliot Park Neighborhood Devel.) spoke for.

Steve Hardy (Churchill Apartments) spoke for.

George Carlson (110 Bank Street, La Rive Owner Association) spoke against.

Commission President Martin asked Mr. Carlson how tall La Rive (where Mr. Carlson resides) is. Mr. Carlson replied 27 stories.

George Rosenquist (no address given) spoke for.

Andrew Hauer (19 S 1st St) spoke for.

Delores Cotton (Rivergate Apartments, Minneapolis Downtown Assoc.) spoke for.

Cynthia Curtis (525 North 1st Street) spoke against.

Greg McDonald (Crossings Condominiums, Washington and 2nd) spoke for.

John Livingston (Crossings Condominiums) spoke against.

Nancy Goldstein (110 Bank Street, La Rive) spoke against.

Jim Dade (110 Bank Street, La Rive) spoke against.

Martha Hague s(110 Washington Avenue S.) poke against.

Angelo Persage (Crossings resident) spoke against.

Karen Deal (Bank Street) spoke against.

Commissioner LaShomb moved staff recommendation for 13A (Hohmann seconded).

The motion carried 6-0.

Commissioner Schiff made a motion for the site plan (13E) including that the developer should go back to HPC to seek approval (Young seconded). Also to require active at-grade uses on 3rd and 1st.

Commissioner Young added to condition #5 about landscaping that includes options such as window boxes, planters or other kinds of landscaping on the street in consideration of final landscaping approval.

Commissioner LaShomb amended #8 from May 15, 2005 to June 30, 2006.

The motion carried 6-0.

Commissioner LaShomb moved 13C (MacKenzie seconded).

The motion carried 6-0.

Commissioner LaShomb moved 13D (the motion was seconded).

The motion carried 6-0.

President Martin: Thank you all for coming. We certainly do value public participation, but we're actually guided by the plan that is in existence, and the plan that is in existence specifies this area is high-density, residential development.